

### **REMARKS/ARGUMENTS**

Claims 1-20 are pending in this application. Claims 1-20 have been rejected.

In view of foregoing amendments and following remarks, Applicants request allowance of the Application.

### **CLAIMS 1-20 ARE FULLY SUPPORTED BY THE SPECIFICATION**

#### **35 U.S.C. § 112, first paragraph**

Claims 1-20 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to include support in the specification for the limitations "*if the determine associated configuration parameter is not located in the registry associated with the mobile device*, initiating a process..." (emphasis added by the Office Action of March 24, 2009, p. 3), as recited in claim 1.

This limitation recited in claim 1 is supported by the specification. For instance, page 8, lines 26-29 of the specification recite that a mobile solution descriptor maintains a representation of a registry for each mobile device – "in particular, the resources that are current (sic) installed on the mobile device with respect to the associated mobile application solution." The specification further states that the mobile solution descriptor, which maintains a representation of a registry for each mobile device (*see* specification, p. 8, lines 26-27), also "maintains a representation of all resources necessary for a particular mobile application solution and thus the resources that must be installed on a particular mobile device." Specification, p. 9, lines 1-3. During the synchronization process between a mobile device and the middleware server, the middleware server determines the appropriate resources to be deployed to a mobile device (specification, p. 10, lines 6-10) and whether application resources deployed at a mobile device need to be updated (specification, p. 10, lines 29-33). From the specification, one of skill in the art would readily understand that an application resource is deployed if (1) the resource is not located in the registry maintained by the descriptor file, or (2) if the resource needs to be updated. One of skill in the art would readily understand this because the descriptor file maintains both a registry that maintains the resources currently installed on the mobile device and a representation of all resources necessary for a particular mobile application solution. Thus, if a particular application resource is not located in the

registry but is maintained in the descriptor file as a resource necessary for a particular mobile application solution, the application resource would then necessarily have to be deployed.

Accordingly, Applicants submit the specification fully supports the limitations of claim 1 rejected under 35 U.S.C. § 112, first paragraph. For similar reasons as discussed above, claims 8, 13, and 20 also are fully supported by the specification. Applicants respectfully request reconsideration and withdrawal of the § 112, first paragraph, rejection of claims 1-20.

**CLAIMS 1-20 DEFINE OVER MULTER IN VIEW OF SONG AND FURTHER IN VIEW OF VERT AND CHASMAN AND SUDHARSHANA**

Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being allegedly rendered obvious over U.S. Publication No. 2002/0040369 to Multer et al., (hereinafter "Multer"), in view of U.S. Publication No. 2003/0065947 to Song et al., (hereinafter "Song"), and further in view of U.S. Publication No. 2001/0008019 to Vert et al., (hereinafter "Vert"), U.S. Publication No. 2007/0180075 to Chasman et al., (hereinafter "Chasman"), and "OTA Mobile Device Software Management" to Sudharshana et al. (hereinafter "Sudharshana").

Multer, Song, Vert, Chasman, and Sudharshana, either alone or in combination, fail to teach or suggest every limitation of independent claims 1, 8, 13, and 20, as is required to maintain a proper § 103(a) rejection.

Consider, claim 1, as amended, which recites in part the following subject matter:

if the determined associated configuration parameter is not located in the registry associated with the mobile device,  
***generating a resource ID from both the associated device profile and the associated configuration parameter,***  
***retrieving an application resource*** for the mobile device ***using the generated resource ID;*** and  
configuring the mobile device using the retrieved application resource.

The Office Action admits Multer, Song, Vert, and Chasman fail to teach or suggest this subject matter. *See* Office Action of March 24, 2009, p. 7. The Office Action alleges Sudharshana remedies the deficiencies of Multer, Song, Vert, and Chasman. Applicants respectfully disagree. Sudharshana generally discusses a software architecture for over the air management of software on a mobile device. *See* Sudharshana, p. 1, col. 1, Abstract. Software on a mobile

equipment (ME) can be upgraded by applying software patches during an over the air synchronization process between a management server and a management client. Sudharshana, p. 2, col. 2, section 3.1 and FIGS. 2 and 3. Sudharshana describes a management server that maintains a Management Information Base (MIB), which stores different software patches that a ME needs to download. These patches are generated by an Application Patch Generator. The patch is stored in the MIB with its description, software version, Mobile Equipment model ID for which the patch is, and resource requirement for installation of the patch on the Mobile Equipment. Sudharshana, p. 4, section 3.11. Even though each patch is stored with this information, each new patch is assigned a "unique ID" (emphasis added) when generated. Sudharshana, p. 4, section 3.11. Sudharshana contains no teaching or suggestion that this unique ID is anything other than an arbitrarily assigned unique ID. Thus, Sudharshana's patch ID clearly is not generated based on both a device profile and configuration parameter, as is recited in claim 1.

For at least this reason, Multer, Song, Vert, Chasman, and Sudharshana, either alone or in combination, fail to teach or suggest every element of independent claim 1, as is required to maintain a proper § 103(a) rejection. Independent claims 8, 13, and 20 are not rendered obvious by these references for similar reasons. Claims 2-7, 9-12, and 14-19 depend from independent claims 1, 8, and 13 and are similarly not rendered obvious for these reasons. Applicants therefore respectfully request reconsideration and withdrawal of the rejection of claims 1-20 under 35 U.S.C. § 103(a).

### **CONCLUSION**

All outstanding rejections have been overcome. In view of the foregoing amendments and remarks, the application is in clear condition for allowance. Issuance of a Notice of Allowance is earnestly solicited.

Although not believed necessary, the Office is hereby authorized to charge any fees required under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayments to Deposit Account No. **11-0600**.

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The Office is invited to contact the undersigned at (408) 975-7500 to discuss any matter regarding this application.

Respectfully submitted,

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